

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:21-cr-32

vs.

DAMON MYERS,

District Judge Michael J. Newman

Defendant.

**ORDER: (1) DENYING DEFENDANT’S ORAL MOTION, FOLLOWING
SENTENCING, FOR A FURLOUGH OR BOND; AND (2) REQUESTING THE U.S.
MARSHAL TO PROMPTLY TRANSFER DEFENDANT TO THE BUTLER COUNTRY
JAIL TO FACILITATE ONE OR MORE VIDEO CONFERENCE CALLS WITH HIS
FAMILY**

This is a felony criminal case which proceeded to sentencing on October 1, 2024. Defendant, who was detained pre-trial and denied a bond, was given an incarceration term of 120 months followed by five years of supervised release.

During the hearing, Defendant, through counsel, requested a furlough and/or bond in order to meet with his family and better prepare for his transfer to prison. Following the hearing, the Court held a telephone status conference, with counsel for both sides and Deputy U.S. Marshal Ivan Garcia, to discuss Defendant’s alternative request – to be transferred to the Butler County Jail in order to more easily participate in a video conference with his family prior to his transfer to the Bureau of Prisons.

A furlough following sentencing is an extraordinary remedy not warranted here. *See, e.g., Wilson v. Williams*, 961 F.3d 829, 844 (6th Cir. 2020). Likewise, a post-sentencing bond is unwarranted in this instance. *See United States v. Vance*, 851 F.2d 166, 169-70 (6th Cir. 1988)

(citing 18 U.S.C. § 3143). A transfer to the Butler County Jail, however, in order to conduct a video conference call between Defendant and his family, as agreed-to by the U.S. Marshal, is appropriate and supported by good cause.

The Court thus anticipates, but does not order, the U.S. Marshal to promptly transfer Defendant to the Butler County Jail. Defendant's family, with the assistance of Defendant's counsel (if necessary), shall make appropriate arrangements with Butler County Jail personnel to schedule one or more video conference calls between Defendant and his family.

IT IS SO ORDERED.

October 3, 2024

s/Michael J. Newman

Hon. Michael J. Newman
United States District Judge

cc: U.S. Marshal, Dayton, Ohio